

111TH CONGRESS  
2D SESSION

# S. 3397

To amend the Controlled Substances Act to provide for take-back disposal of controlled substances in certain instances, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MAY 24, 2010

Ms. KLOBUCHAR (for herself, Mr. CORNYN, Mr. GRASSLEY, and Mr. BROWN of Ohio) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To amend the Controlled Substances Act to provide for take-back disposal of controlled substances in certain instances, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Secure and Respon-  
5 sible Drug Disposal Act of 2010”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1           (1) The nonmedical use of prescription drugs is  
2           a growing problem in the United States, particularly  
3           among teenagers.

4           (2) According to the Department of Justice's  
5           2009 National Prescription Drug Threat Assess-  
6           ment—

7                   (A) the number of deaths and treatment  
8                   admissions for controlled prescription drugs  
9                   (CPDs) has increased significantly in recent  
10                  years;

11                   (B) unintentional overdose deaths involving  
12                   prescription opioids, for example, increased 114  
13                   percent from 2001 to 2005, and the number of  
14                   treatment admissions for prescription opioids  
15                   increased 74 percent from 2002 to 2006; and

16                   (C) violent crime and property crime asso-  
17                   ciated with abuse and diversion of CPDs has in-  
18                   creased in all regions of the United States over  
19                   the past 5 years.

20           (3) According to the Office of National Drug  
21           Control Policy's 2008 Report "Prescription for Dan-  
22           ger", prescription drug abuse is especially on the  
23           rise for teens—

1 (A) one-third of all new abusers of pre-  
2 scription drugs in 2006 were 12- to 17-year-  
3 olds;

4 (B) teens abuse prescription drugs more  
5 than any illicit drug except marijuana—more  
6 than cocaine, heroin, and methamphetamine  
7 combined; and

8 (C) responsible adults are in a unique posi-  
9 tion to reduce teen access to prescription drugs  
10 because the drugs often are found in the home.

11 (4)(A) Many State and local law enforcement  
12 agencies have established drug disposal programs  
13 (often called “take-back” programs) to facilitate the  
14 collection and destruction of unused, unwanted, or  
15 expired medications. These programs help get out-  
16 dated or unused medications off household shelves  
17 and out of the reach of children and teenagers.

18 (B) However, take-back programs often cannot  
19 dispose of the most dangerous pharmaceutical  
20 drugs—controlled substance medications—because  
21 Federal law does not permit take-back programs to  
22 accept controlled substances unless they get specific  
23 permission from the Drug Enforcement Administra-  
24 tion and arrange for full-time law enforcement offi-  
25 cers to receive the controlled substances directly

1 from the member of the public who seeks to dispose  
2 of them.

3 (C) Individuals seeking to reduce the amount of  
4 unwanted controlled substances in their household  
5 consequently have few disposal options beyond dis-  
6 carding or flushing the substances, which may not  
7 be appropriate means of disposing of the substances.

8 (D) Long-term care facilities face a distinct set  
9 of obstacles to the safe disposal of controlled sub-  
10 stances due to the increased volume of controlled  
11 substances they handle.

12 (5) This Act gives the Attorney General author-  
13 ity to promulgate new regulations, within the frame-  
14 work of the Controlled Substances Act, that will  
15 allow patients to deliver unused pharmaceutical con-  
16 trolled substances to appropriate entities for disposal  
17 in a safe and effective manner consistent with effec-  
18 tive controls against diversion.

19 (6) The goal of this Act is to encourage the At-  
20 torney General to set controlled substance diversion  
21 prevention parameters that will allow public and pri-  
22 vate entities to develop a variety of methods of col-  
23 lection and disposal of controlled substances in a se-  
24 cure and responsible manner.

1 **SEC. 3. DELIVERY OF CONTROLLED SUBSTANCES BY ULTI-**  
2 **MATE USERS FOR DISPOSAL.**

3 (a) REGULATORY AUTHORITY.—Section 302 of the  
4 Controlled Substances Act (21 U.S.C. 822) is amended  
5 by adding at the end the following:

6 “(g)(1) An ultimate user who has lawfully obtained  
7 a controlled substance in accordance with this title may,  
8 without being registered, deliver the controlled substance  
9 to another person for the purpose of disposal of the con-  
10 trolled substance if—

11 “(A) the person receiving the controlled sub-  
12 stance is authorized under this title to engage in  
13 such activity; and

14 “(B) the disposal takes place in accordance  
15 with regulations issued by the Attorney General to  
16 prevent diversion of controlled substances.

17 “(2) The Attorney General may, by regulation, au-  
18 thorize long-term care facilities, as defined by the Attor-  
19 ney General by regulation, to dispose of controlled sub-  
20 stances on behalf of ultimate users in a manner that the  
21 Attorney General determines will provide effective controls  
22 against diversion and be consistent with the public health  
23 and safety.”.

24 (b) CONFORMING AMENDMENT.—Section 308(b) of  
25 the Controlled Substances Act (21 U.S.C. 828(b)) is  
26 amended—

1           (1) by striking the period at the end of para-  
2       graph (2) and inserting “; or”; and

3           (2) by adding at the end the following:

4           “(3) the delivery of such a substance for the  
5       purpose of disposal by an ultimate user or long-term  
6       care facility acting in accordance with section 302(g)  
7       of this title.”.

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